

REMARKS

Claims 1, 3, 4, and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,195,508 (Lehman et al.) in view of U.S. Patent No. 4,324,202 (Stonestreet et al.). Stonestreet et al. have been cited to show that collapsible feed storage containers having a plurality of panels are old. In response, claims 1, 3 and 6 have been canceled. Claim 4 has been amended to depend from independent claim 7, which is discussed below.

Claims 2 and 5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,195,508 (Lehman et al.) as modified by U.S. Patent No. 4,324,202 (Stonestreet et al.) as applied to claim 1 above, and further in view of U.S. Patent No. 4,997,284 (Tousignant et al.). Tousignant et al. disclose an apparatus for distributing mortar or cement at a construction site, and has been cited to show that a foot stand and hinged lid are old. In response, claim 2 has been canceled. Claim 5 has been amended to depend from independent claim 7, which is discussed below.

Claims 7 - 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,195,508 (Lehman et al.) in view of U.S. Patent No. 4,324,202 (Stonestreet et al.) and U.S. Patent No. 4,997,284 (Tousignant et al.). Applicant asserts that the Office Action impermissibly used hindsight to reconstruct the claimed invention. It is legal error to reconstruct the Applicant's claimed invention from the prior art by using the Applicant's claim as a blueprint. Interconnect Planning Corp. v. Feil, 227 U.S.P.Q. 543, 547-48 (Fed. Cir. 1985); In re Fritch, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) (It is improper to use hindsight reconstruction to pick and choose among isolated disclosures in the prior art). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). Instead, there must be a teaching or suggestion within the prior art itself or within the general knowledge of one skilled in the art to look to the particular sources of information and combine particular elements in the precise way the inventor combined these elements. ATD Corp. v. Lydall, Inc., 48 U.S.P.Q.2d 1321 (Fed. Cir. 1998). There

is nothing in Lehman et al., Stonestreet et al., or Tousignant et al. that teaches or suggests the combination of these elements. Without this suggestion or motivation to modify or combine, the rejection is improper. Ex parte Kranz, 19 U.S.P.Q.2d 1216 (Bd. App., 1990); In re Mills, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); In re Newell, 13 U.S.P.Q.2d 1248 (Fed. Cir. 1989); Ex parte Clapp, 227 U.S.P.Q. 972 (Bd. App., 1985); ASC Hospital Systems, Inc. v. Montefiore Hospital, 221 U.S.P.Q. 929 (Fed. Cir. 1984); In re Imperato, 179 U.S.P.Q. 730 (CCPA 1973).

Claims 10, 12 - 15 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,195,508 (Lehman et al.) in view of U.S. Patent No. 4,997,284 (Tousignant et al.). In response, Applicant restates the previous comments concerning Lehman et al. and Tousignant et al. as applied to claims 7 - 9 above. Nothing in Lehman et al. or Tousignant et al. teaches or suggests a detachable support structure having the specific structure defined in independent claims 10 and 15. In addition, nothing in Lehman et al. or Tousignant et al. teaches or suggests the desirability of combining these references. As previously discussed, Tousignant et al. is drawn from a different field of art and is not collapsible.

Claims 11, 16 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,195,508 (Lehman et al.) as modified by U.S. Patent No. 4,997,284 (Tousignant et al.) as applied to claim 10 above, and further in view of U.S. Patent No. 4,324,202 (Stonestreet et al.). In response, Applicant notes that each of these are dependent claims. Applicant submits that the invention defined in each of these dependent claims should be considered as a whole. The specific elements provided by each of these dependent claims should be considered in combination with the elements of their respective independent claims, rather than as isolated elements by themselves.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

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